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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,434	02/27/2004	Tsuyoshi Kawabe	500.43533X00	4715

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SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,434

Applicant(s)

KAWABE ET AL.

Examiner

Chikaodili E. Anyikire

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 30, 2007 have been fully considered but they are not persuasive. Claims 1-5 are currently pending.
2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeComte (US 2002/0026636) in view of Nobuyoshi (JP 2002-24330).
3. The applicant argues that there was no teaching of mobile equipment including at least one image pick up mobile with an image pickup device for generating and wirelessly transmitting video data picked up by the image pick-up device (Amendment of 11/30/2007; pg 7 Ln 5-10). The examiner respectfully disagrees. The image pick up was taught by Nobuyoshi, which the applicant acknowledged (Nobuyoshi, paragraph [0007] Ln 3-5)). The wireless technology is taught by LeComte (paragraph [0015] Ln 1-7).
4. The applicant argues that the video storage/distribution device is connected to the authentication server and the data converter (Amendment of 11/30/2007; pg 7 Ln 22 – pg 8 Ln 3). The examiner respectfully disagrees. The elements 3 and 4 of Fig 1 are all connected and represent video storage/distribution device, authentication server, and data converter (LeComte, Fig 1, 3 and 4; paragraphs [0152], [0163], and [0195]-[0198]).
5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). LeComte teaches the applicant's argument in therefore maintains the combination with Nobuyoshi (JP 2002-24330).

A detailed description of the newly amended claims follows.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeComte (US 2002/0026636) in view of Nobuyoshi (JP 2002-24330).

As per **claim 1**, LeComte discloses a video data distribution system for distributing video data through a network, comprising:

an authentication server unit having an authentication table for authenticating said image pickup mobile when a wireless connection is to be established between said mobile equipment and said video storage/distribution device (Fig 1, 3 and 4; [0195]-[0198]);

a data converter for converting the video data generated by said image pickup mobile into a video data of a predetermined type for storing (Fig 1, 3; [0163]); and

a video storage/distribution device for storing said video data of said predetermined type transmitted from said mobile equipment authorized by the authorization table (Fig 1, 3 and 4; [0152], [0163], and [0195]-[0198]);

wherein when said video storage/distribution device is connected to said authentication server unit and said data converter (Fig 1, 3 and 4; [0152], [0163], and [0195]-[0198]),

wherein said mobile equipment wirelessly transmits (paragraph [0015]) said video data, said video storage/distribution device establishes the wireless connection between said mobile equipment and said video storage/distribution device (Fig 1, 3 and 4; [0152], [0163], and [0195]-[0198]), and

wherein said video data of said predetermined type stored in the video storage/distribution device is distributed to said mobile equipment based on a distribution request from said mobile equipment (Fig 1, 3, 4, and 14; [0195]-[0198]).

However, LeComte does not explicitly teach mobile equipment including at least one image pickup mobile with an image pickup device for generating and transmitting video data.

In the same field of endeavor, Nobuyoshi teach a mobile equipment including at least one image pickup mobile with an image pickup device for generating and transmitting video data ([0007] Ln 3-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to the invention of LeComte with mobile terminal of Nobuyoshi. The advantage is that a user can access information remotely.

As per **claim 2**, LeComte discloses a video data distribution system according to claim 1.

However, LeComte does not explicitly teach wherein said mobile equipment comprises an image pick-up device and said image pickup mobile.

In the same field of endeavor, Nobuyoshi teach wherein said mobile equipment comprises an image pick-up device and said image pickup mobile ([0007] Ln 3-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to the invention of LeComte with mobile terminal of Nobuyoshi. The advantage is that a user can access information remotely.

As per **claim 3**, LeComte discloses a video data distribution system according to claim 2, wherein at least an ID number in said image pickup mobile is registered in the authentication table; and wherein video data from said image pickup mobile corresponding to the ID number is stored in the video storage/distribution device ([0044]).

As per **claim 4**, LeComte discloses a video data distribution system according to claim 1,

wherein when video data stored in said video storage/distribution device is distributed to said mobile equipment based on a distribution request from said mobile equipment, the video storage/distribution device confirms whether or not the mobile equipment which sent the distribution request is registered in the authentication table and distributes the video data if the mobile equipment is registered (Fig 1, 3 and 4; [0195]-[0198]).

As per **claim 5**, arguments are analogous according to those presented for claim 1 are applicable to claim 5.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chikaodili E. Anyikire whose telephone number is (571)

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270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CEA

